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# ACTS

PASSED BY

# THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL

IN THE YEAR

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# TITLES OF ACTS

PASSED BY

# THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL

## IN THE YEAR 1889.

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I. An Act to consolidate and amend the law relating to the Courts of Village Munsifs in the Presidency of Fort St. George.

II. An Act to amend the Madras Jails Act, 1869.

III. An Act to provide for the prevention and control of nuisances outside the town of Madras.

IV. An Act to consolidate and amend the law relating to the Salt Revenue in the Presidency of Fort St. George.

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# MADRAS ACT No. I OF 1889.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

[*Received the assent of the Governor on the* 1*st December* 1888 *and of the Governor-General on the* 30*th January* 1889.]

*An Act to consolidate and amend the law relating to the Courts of Village Munsifs in the Presidency of Fort St. George.*

WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Village Munsifs in the Presidency of Fort St. George;

Preamble.

It is hereby enacted as follows:—

## CHAPTER I.

### PRELIMINARY.

**1.** (1) This Act may be called "The Madras Village Courts Act, 1888," and shall come into force at once except that clauses (2) to (8), both inclusive, of Section 9 shall only come into force under an order by the Governor in Council provided for in clause (1) of that section.

Short title and commencement.

(2) It extends to the territories subject for the time being to the Governor in Council of the Presidency of Fort St. George, except the Scheduled Districts as defined in Act No. XIV of 1874, and the Town of Madras. Provided that the Governor in Council may by notification in the *Fort St. George Gazette* from time to time withdraw any village or area from its operation and cancel such notification.

Local extent.

[PRICE, 1 ANNA AND 3 PIES.]

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Enactments repealed.

**2.** (1) The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof.

Courts constituted, &c., under repealed Acts.

(2) But all courts constituted, limits fixed, appointments, declarations and rules made, jurisdiction and powers conferred, forms prescribed, and directions given under Madras Regulation IV of 1816, or Madras Act No. IV of 1883, shall, as far as may be, be deemed to have been respectively constituted, fixed, made, conferred, prescribed and given under this Act.

References in previous Acts.

(3) Any enactment or document referring to Madras Regulation IV of 1816 or to Madras Act No. IV of 1883 shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Application of Act to suits or decrees pending.

**3.** All suits pending in the Courts of Village Munsifs at the time of this Act coming into force shall be deemed to have been instituted under this Act, and all decrees passed by Village Munsifs before such date may be executed under the provisions hereinafter contained relating to execution of decrees passed under this Act.

Procedure for suits and decrees pending in area withdrawn from Act.

**4.** When any village or area is withdrawn from the operation of this Act, all suits pending in a Village Court therein shall be heard and determined, and all decrees passed by such court and remaining unexecuted shall be executed by the Civil Court which, if the suit were about to be instituted, would have jurisdiction to try it.

Such suits shall be tried and such decrees shall be executed as suits instituted in, and decrees passed by, such Civil Court.

Interpretation clause.

**5.** In this Act, unless there be something repugnant in the subject or context—

"Village."

"Village" means in a permanently settled estate a local area for which at the passing of this Act there is a Village Munsif's Court constituted under Madras Regulation IV of 1816 or for which a Village Court has been established under this Act; and elsewhere a local area recognized by Government from time to time as a village for purposes of collecting the land revenue.

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"Village Munsif." "Village Munsif" means the Judge of the Court of a Village Munsif established under this Act.

"Village Court." "Village Court" shall include a Bench constituted under Section 9.

"District Judge" and "District Munsif." "District Judge" or "District Munsif" means the District Judge or District Munsif within the local limits of whose jurisdiction the Village Court is situate.

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## CHAPTER II.

### ESTABLISHMENT AND CONSTITUTION OF VILLAGE COURTS.

Establishment of Village Courts. **6.** The Governor in Council may from time to time by order to be notified in the District Gazette—

(1) group two or more villages and establish one Village Court for them in lieu of the several Village Courts previously existing therein;

(2) constitute divisions in any village, and establish a separate Village Court for each of such divisions in lieu of the Village Court previously existing in such village;

(3) establish a new Village Court for any specified area.

A Village Court established under this Act shall be held before a Village Munsif appointed or a Bench of more than one Judge constituted as hereinafter provided.

Appointment of Village Munsif. **7.** Village Munsifs shall be appointed by the Collector of the district subject to such rules as the Governor in Council may from time to time prescribe; provided that no person not residing within the village shall be eligible for that office.

Suspension or removal of Village Munsif. **8.** The Collector of the district may suspend or remove a Village Munsif for incapacity, neglect of duty, misconduct or other just and sufficient cause, and shall do so, on a requisition passed by the District Judge for like cause appearing in the judicial proceedings of a Village Munsif.

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From every order suspending or removing a Village Munsif, an appeal may be made within three months to the Board of Revenue, if the order was passed by the Collector without orders from the District Judge, or to the High Court if passed upon such orders. The decision of the Board of Revenue or High Court as the case may be on all such appeals shall be final.

Provisions concerning Benches—their application to any village by notification.

**9.** (1) The Governor in Council may, by order to be notified in the District Gazette, direct that the following clauses of this section be brought into force from any specified date in any village, or in the villages within any area, and may from time to time modify or cancel such order.

List to be maintained of persons qualified to serve on Bench.

(2) For every village in respect of which such an order is in force, and subject to any rules which the Governor in Council may make on this behalf, the Collector shall prepare and maintain a list of the persons residing in the village and qualified to sit as members of a Bench for the trial of suits brought under this Act. Such list shall be hung up in the Court-house of the Village Munsif.

Either party to a suit may claim trial by Bench.

(3) In any suit which may be instituted before the Village Court of any such village, the Plaintiff in his plaint or the Defendant in his answer, may claim that the suit shall be tried by a Bench of three Judges, and nominate as a member of such Bench any person named in the list mentioned in clause (2) of this section; provided that such person is not his servant, dependant, relative or tenant, or personally interested in the result of the suit.

Nomination of members of Bench.

(4) When the Plaintiff has nominated such a person in his plaint the Defendant shall, by the summons, be requested to nominate one also. When the Defendant has demanded a Bench and nominated such a person, the Plaintiff shall be required to nominate one also. When any person nominated to serve on a Bench declines or is unable to act, the party who nominated him shall be required to make a fresh nomination.

After two clear days from the date of a requisition under this clause, if it has not been complied with, the Village Munsif shall himself select from the list a person to serve on the Bench on behalf of the person so making default.

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(5) The Village Munsif shall summon the two persons nominated or selected as aforesaid to sit together with himself for the trial of the suit.

Members of Bench to be summoned by Munsif.

(6) The Village Munsif shall be the President of such Bench and shall regulate the procedure and issue all summonses, notices and the like in his own name, but the Decree shall run in the name of all the three members of the Bench. If the members of the Bench cannot agree, the opinion of the majority shall prevail.

Procedure.

(7) No person summoned under this section to serve on a Bench shall be bound to sit for more than three days in any month; provided that every such person shall be bound to attend the trial of any case which has been commenced before him until its completion.

Liability to serve on Bench.

(8) Whoever, being duly summoned under this section to serve on a Bench, without reasonable excuse declines or omits to do so, shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 20.

Penalty for refusing or omitting to serve.

**10.** The Village Munsif shall keep a register of suits preferred to the Village Court and shall write the proceedings of the court and it shall be the duty of the Village Karnam, if so required, to assist in keeping such register and in writing the proceedings of the court.

Village Karnam to assist Munsif in keeping register of suits and record of proceedings.

**11.** It shall be the duty of the village servant usually employed in carrying messages to serve all summonses, notices, and orders issued under this Act and to act under the orders of the Village Munsif in seizing, selling, and delivering movable properties attached under this Act.

Village servant to serve summonses, &c.

**12.** It shall be competent to the Collector of the district, subject to the control of the Governor in Council, to appoint any person in lieu of, or in addition to, the Village Karnam, or the village servant mentioned in Section 11, to perform the duties prescribed by Sections 10 and 11, respectively.

Collector may appoint any person in lieu of, or in addition to, Village Karnam and village servant.

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## CHAPTER III.

### JURISDICTION, RES JUDICATA AND LIMITATION.

Cognizance of suits by Village Courts.

**13.** The following are the suits which shall be cognizable by Village Courts (namely)—claims for money due on contract, or for personal property, or for the value of such property, when the debt or demand does not exceed in amount or value the sum of Rupees twenty, whether on balance of account or otherwise.

Proviso.

Provided that no action shall be brought in any such court—

(1) on a balance of partnership account unless the balance shall have been struck by the parties or their agents;

(2) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a *Will*;

(3) for rent for land unless such rent be due upon a written contract signed by the defendant;

(4) by or against Government or public officers in their official capacity;

(5) by and against minors or persons of unsound mind.

Jurisdiction up to Rs. 200 with consent.

**14.** With the written consent of both parties executed before the court, a Village Court may hear and determine suits of the nature described in Section 13, the amount or value of which shall not exceed Rs. 200.

Court in which suit to be instituted.

**15.** Subject to the provisions contained in Section 16, every suit brought under this Act shall be instituted in the Court of the Village Munsif within the local limits of whose jurisdiction all the defendants at the time of the commencement of the suit reside, or carry on business, or personally work for gain.

Suit in which court is personally interested.

**16.** No Village Munsif shall try any suit to which he is a party, or in which he is personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit. Every such suit or proceeding may be instituted in the Court of the Munsif of any village immediately adjoining.

Res Judicata.

**17.** No Village Court shall try any suit brought on a cause of action, which has been heard and determined by a court of competent jurisdiction, in a former suit, between the same parties, or those under whom they claim.

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**18.** Every suit instituted in a Village Court shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of such court.

Suit to include whole claim.

If a plaintiff omit to sue in respect of, or intentionally relinquish, any portion of his claim, he shall be precluded from bringing a fresh suit for or in respect of the portion so omitted or relinquished.

Relinquishment of part of claim.

**19.** If in the decision of a suit cognizable by a Village Court under Sections 13 and 15, it becomes necessary to decide incidentally any matter in dispute between the parties to the suit, concerning title to immovable property, or the legal character of either of them, or of those under whom they claim, or the existence of any contract or obligation, which if it had been the immediate subject matter of the suit, would not be cognizable under this Act by a Village Court, it shall be competent to the Village Court to decide such question of title, legal character, contract or obligation as far as may be necessary for the determination of such suit, but such decision shall not be evidence of such title, legal character, contract or obligation in any other action, though between the same parties or their representatives.

Incidental determination of matters not cognizable by Village Courts.

**20.** The provisions of the Indian Limitation Act, 1877, shall apply to suits and applications under this Act.

Limitation.

Provided that no suit or application shall be entertained by a Village Court after the expiration of three years from the time when the right to sue or make the application first accrued.

Proviso.

**21.** The District Munsif may, on the application of any of the parties, withdraw any suit from a Village Court and try the suit himself, as if it had been instituted in his Court, or transfer it for trial to any other Village Court within the local limits of his jurisdiction. Provided that any party applying to have a suit withdrawn from a Village Court and tried by the District Munsif shall, before any such order of transfer is made, pay the amount of the fees payable under the Court Fees Act, 1870, in respect thereof.

Transfer of suits.

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## CHAPTER IV.

### OF THE INSTITUTION AND FRAME OF SUITS, RECOGNIZED AGENTS, THE ISSUE AND SERVICE OF SUMMONS ON PARTIES, ADJOURNMENTS AND CONSEQUENCES OF NON-APPEARANCE.

Suit to be commenced by plaint.

**22.** Every suit under this Act shall be instituted by presenting a plaint to the Village Munsif together with as many copies thereof as there are defendants. One copy shall be delivered or affixed as hereinafter provided together with the copy of the summons.

Particulars to be contained in plaint.

**23.** The plaint shall be written in the language of the village and signed by the plaintiff, or, in his absence, by an agent duly authorized by him, and it shall contain the following particulars :—

(*a*) The name, description and residence of the plaintiff and defendant.

(*b*) A concise statement of the cause of action and when it arose.

(*c*) The relief prayed for, and the total amount or value of the claim.

Appearance in person or by agent.

**24.** Any party to any suit before a Village Court may appoint by vakalatnama any person to appear and plead for him, but it shall be competent to the Village Munsif, whenever he thinks it necessary for the ends of justice, to order the personal attendance of any of the parties to the suit; and if the party so ordered does not attend in person, he shall be subject to the same consequences as if he did not appear either in person or by an agent.

Summons to defendant how served.

**25.** When the plaint has been duly presented, the Village Munsif shall cause the same to be registered, and shall, by a summons in writing, require the defendant to appear and answer the claim on a specified day. The summons shall be served on the defendant personally and a copy thereof delivered to him by the village servant usually employed in carrying messages, or by any other person appointed by the Collector under Section 12.

Mode of service when defendant evades service.

**26.** If the Village Munsif is satisfied that the defendant is evading service of the summons, the Village Munsif may order that it be served upon, and a copy thereof delivered

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to, an adult male member of the family of the defendant residing with him, or that a copy thereof be affixed upon some conspicuous part of the house in which he generally resides.

Mode of service when defendant beyond local jurisdiction of court.

**27.** Whenever it may be necessary to serve the summons upon a defendant beyond the local jurisdiction of the Village Court, it shall be forwarded to the District Munsif, who shall cause it to be served as if it had been a summons issued by himself, and shall then return it to the Village Court, together with a report of such service. Such report shall be *prima facie* evidence of the facts stated therein.

Procedure if defendant does not appear.

**28.** If a defendant does not appear in person or by agent on the day fixed, and it be proved that the summons was duly served, the Village Court may proceed *ex parte*.

If it is not proved that the summons was duly served, the Village Munsif shall issue a fresh summons.

Every defendant may claim two clear days' notice of suit, and if the summons was not served in sufficient time to enable him to answer on the day fixed, the hearing shall be adjourned to a future day, of which written notice shall be given to defendant.

Defendant can claim two days' notice of suit.

Process to be served at expense of party issuing.

**29.** Every summons served under this Act otherwise than by the village servant shall be served at the expense of the party on whose behalf it is issued; and the amount of fee leviable for such service shall be fixed from time to time by the Governor in Council and shall be levied by the Village Munsif in such manner and subject to such rules as may be prescribed in that behalf by the Governor in Council.

Procedure where plaintiff does not appear and defendant does not admit claim or where summons not served through plaintiff's default.

**30.** If on the day fixed for the defendant to appear—

(1) neither party appears, or

(2) the plaintiff does not appear and the defendant appears and does not admit the claim, or

(3) the summons has not been served owing to the plaintiff's default and the defendant does not appear,

the suit shall be dismissed unless the Village Court otherwise directs.

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**31.** If the plaintiff does not appear, but the defendant appears and admits the claim wholly or in part, the Village Court shall pass judgment against defendant in accordance with such admission, provided that, when only a part of the claim is admitted, the Court may adjourn the hearing to a future day.

Procedure where plaintiff does not appear and defendant admits claim.

**32.** Whenever a suit is dismissed under Clause (1) or Clause (3) of Section 30, the plaintiff may bring a fresh suit; and if within thirty days from the date of an order under Clause (2) of Section 30 dismissing the suit, or of a decree passed for only a part of the claim under Section 31, the plaintiff satisfies the Village Court that he was prevented by any sufficient cause from appearing, the Court shall set aside the dismissal or the decree, and shall appoint a day for proceeding with the suit.

Setting aside order under Section 30 or 31 on cause shown.

**33.** Any defendant against whom a decree has been passed *ex parte* may, within thirty days from the date of executing any process for its enforcement, apply to the Village Court to set it aside; and if satisfied that the summons or notice was not duly served, or that the defendant was prevented by any sufficient cause from appearing, the Court shall set aside the decree and shall appoint a day for proceeding with the suit.

Setting aside *ex parte* decree against defendant.

**34.** No decree shall be set aside on any application under Section 32 or Section 33 unless notice has been served on the opposite party.

No decree to be set aside without notice to opposite party.

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## CHAPTER V.

### Of the Hearing, Withdrawal or Compromise of Suits and of the Summoning and Examination of Witnesses.

**35.** When the defendant appears, the Court shall ascertain from him whether he admits the claim made in the plaint. If he admits the claim or if the suit be compromised, such admission or compromise shall be recorded in writing and signed by the parties, and the Court shall pass a decree in accordance therewith. If he does not admit the claim, he shall be required

Procedure on appearance of both parties.

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to state his objections either orally or in writing, and the Court may, if it thinks fit, adjourn the case to enable him to file a written statement.

Withdrawal of suit.

**36.** If the plaintiff wishes to withdraw a suit, he shall signify the same in writing to the Court, which shall strike the suit off the file and no fresh suit shall be brought on the same cause of action.

When suit may be settled by oath.

**37.** If either party is willing to let the suit be settled by the oath of the other, and such other party assents and takes the oath, the Court shall give judgment according to such oath.

Set-off.

**38.** The defendant may set-off any amount legally due to him by the plaintiff, for which he could bring a suit in a Village Court. If such set-off is established, the decree shall be for any sum which finally appears to be due to either party.

Witnesses not present to be summoned.

**39.** When the defendant's statement has been made, the Court shall proceed to examine the truth of the claim, and shall summon the witnesses cited by either party who are not present.

Summons to witnesses how served.

Interrogatories when to issue.

**40.** Any witness residing within the jurisdiction of the Village Court may be summoned verbally or in writing. Any witness residing within five miles beyond the Court's jurisdiction may be summoned in writing, and such summons shall be served through the Village Munsif within whose jurisdiction he resides. If any witness resides more than five miles beyond the jurisdiction, the Court may call on the parties to frame written interrogatories and shall forward such interrogatories, with a letter, to the Village Munsif within whose jurisdiction the witness resides, and such Munsif shall forthwith summon and examine the witness upon the interrogatories, and shall return his answers to the Court in which the suit is pending.

Summons to appear and give evidence or produce document.

**41.** A summons may direct the party summoned either to appear and give evidence or to produce or cause the production of a document.

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**42.** Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, persons exempted from personal appearance in Court, and any person who, by reason of sickness or bodily infirmity, cannot attend without serious inconvenience, shall not be summoned; but when the evidence of any such person is necessary, the Village Court shall examine such person at his or her residence.

Exemption of certain women and other persons from personal appearance.

**43.** Witnesses shall be examined on oath or solemn affirmation, but it shall not be necessary for a Village Court to take down depositions of witnesses in writing.

Examination of witnesses.

**44.** If it appears likely that the parties will settle the matter amicably, or for any other sufficient cause, the Village Court may adjourn the hearing to a day to be fixed in the presence of the parties, or in cases in which the defendant does not appear, in the presence of the plaintiff. If, on such day, the parties or any of them fail to appear, the Village Court may proceed to dispose of the suit in one of the modes prescribed in that behalf by Sections 30 and 31, or make such other order as it thinks fit.

Adjournment in view to amicable settlement or for other cause.

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## CHAPTER VI.

### Of the Decree and its Execution.

**45.** When the parties or their agents have been heard, and the evidence on both sides considered, the Village Court shall pass such decree as may seem just, equitable, and according to good conscience.

On conclusion of hearing, Court to pass decree.

**46.** The decree shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witnesses examined, the titles of the exhibits read, the decision thereon, and the reasons for such decision. It shall specify the sum of money adjudged, the movable property to be delivered, the sum to be paid in default of delivery, and the amount of costs and by what parties and in what proportions such costs shall be paid.

Contents of decree.

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The decree shall be dated on the day on which it is passed, and signed by the Village Munsif. When the suit has been heard by a Bench, the decree shall be signed by the members of such Bench concurring therewith. Each party shall be entitled to receive a copy of the decree upon application.

Decree may award interest or order payment by instalments.

**47.** In suits for money the Village Court may decree interest on the sum decreed not exceeding twelve per cent. per annum from date of suit till date of payment.

When a Village Court decrees the payment of a sum of money, it may direct that it be paid by instalments, with or without interest at the above rate.

Court by which decree may be executed.

**48.** The decree shall be executed by the Village Court which passed it or by a Village Court or District Munsif to whom it is sent for execution under the provisions hereinafter contained.

Decree for specific movable how executed.

**49.** If the decree be for any specific movable, it may be enforced by the seizure of the property, and its delivery to the decree-holder. If the seizure of the property be not practicable, the decree shall be executed by enforcing payment of the sum decreed as an alternative.

Payment of money under a decree or other adjustment to be made or recorded in presence of Munsif.

**50.** All money payable under a decree passed by a Village Court shall be paid to the decree-holder, or his agent specially authorized in writing, in the presence of the Village Munsif whose duty it is to execute the decree; but if the decree is otherwise adjusted to the satisfaction of the decree-holder, the nature of such adjustment shall be recorded in writing, and signed by him or his agent in the presence of, and attested by, such Village Munsif.

Such payment or adjustment shall be endorsed by the Village Munsif on the decree, and recorded in the register of suits mentioned in Section 10.

No payment under a decree, and no adjustment of a decree in whole or in part, shall be recognised unless it has been made or recorded in the manner prescribed by this section, or in the Court of the District Munsif.

Judgment-debtor not to be arrested nor immovable property attached.

**51.** Subject to the provisions of Sections 66 and 67, no judgment-debtor shall be arrested and no immovable property attached in execution of a decree of a Village Court.

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Attachment of movable property.

**52.** On the application of the decree-holder, the Village Court shall attach any movable property within his jurisdiction belonging to the judgment-debtor pointed out by the decree holder, to the value of the sum payable under the decree, provided that the following properties shall not be liable to such attachment, viz.,—

(*a*) the necessary wearing apparel and bedding of the judgment-debtor, his wife, and children;

(*b*) tools of artizans, and, where the judgment-debtor is an agriculturalist, his implements of husbandry and such cattle and seed-grain as may in the opinion of the Court be necessary to enable him to earn his livelihood as such;

(*c*) books of account;

(*d*) stipends and gratuities payable to military and civil pensioners of Government, and political pensions;

(*e*) the salary due to a public officer or to any servant of a Railway Company or local authority, unless such salary exceeds twenty rupees monthly, in which case a moiety of it may be attached;

(*f*) the pay and allowances of persons to whom the Native Articles of War apply;

(*g*) the wages of laborers and domestic servants.

How made if in possession of judgment-debtor.

**53.** If the property be in the possession of the judgment-debtor, it shall be attached by actual seizure, and the Village Munsif shall provide for its safe custody. It may be left in the custody of the judgment-debtor, upon sufficient security being given in writing for its production when required. On default the decree may be executed against the surety to the value of the property not produced.

How made if not in possession of judgment-debtor.

**54.** If the property be not in the possession of the judgment-debtor, the attachment shall be made by a written order prohibiting the person in possession of the property from giving it over to the judgment-debtor.

Debts how attached.

**55.** Debts and moneys due to the judgment-debtor shall be attached by a written order prohibiting the judgment-debtor from recovering the debt or receiving the sum of money, and the debtor from making payment thereof, until the further order of the Village Court. Nothing in this section shall be held to authorize a Village Court to attach or sell a debt charged on immovable property.

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Private alienation of property after attachment void.

**56.** When an attachment has been made by actual seizure, or by a written order, any private alienation of the property attached, whether by sale, gift, pledge or otherwise, and any payment of the debt to the judgment-debtor, during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Investigation of claims to attached property.

**57.** If any claim be preferred to property attached in execution of a decree, the Village Court shall investigate the claim, and if it appears that the judgment-debtor has no saleable interest therein, such property shall be released from attachment.

Property to be sold not less than fifteen days after attachment, and sale to be proclaimed.

**58.** As soon as possible after attachment, the Village Court shall fix a day, not less than fifteen days from the date of attachment, for the sale of the property attached, and shall cause a written proclamation of the intended sale to be fixed outside his Court, and such sale shall be further proclaimed by beat of drum previous thereto.

Proviso.

Provided that (1) with the consent in writing of the judgment-debtor, or (2) when the property seized is subject to speedy and natural decay, or (3) when the expense of keeping it in custody may exceed its value, the Court may, after giving due notice by beat of drum, sell the attached property at any time within fifteen days from the date of attachment. In such case the Court shall hold the sale-proceeds subject to the provisions hereinafter made for payment of moneys attached in execution of decrees.

Procedure in sale.

**59.** On the day fixed for the sale, the property shall be put up for sale by public auction in the presence of the Village Munsif, and sold to the highest bidder. The price shall be paid without delay, and in default the property shall again be put up to sale.

On payment of the purchase money, the Court shall grant a receipt for the same, and the sale shall become absolute.

Any loss on resale shall, at the instance of either the judgment-creditor or judgment-debtor, be recoverable from the defaulter as if a decree had been passed against him for the same.

Power to adjourn sale.

**60.** Any sale advertised under this Act may at the discretion of the Court be adjourned to a specified day, public notice thereof being given in the manner prescribed by Section 58.

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Village Munsif and other officers not to bid for or buy property sold.

**61.** No Village Munsif or other officer having any duty to perform in connection with any sale under this Act shall, either directly or indirectly, bid for or acquire any interest in any property sold at such sale.

Stoppage of sale on tender of debt and costs.

**62.** Every sale of property under this Act shall be stopped if, before the lot is knocked down, the amount due under the decree and the costs attending the sale are tendered to the Village Munsif.

Division of proceeds of sale.

**63.** Out of moneys realized in execution, the cost of execution shall first be defrayed and then the amount due to the decree-holder. Any surplus which may remain shall be paid to the judgment-debtor.

Property actually seized to be delivered to purchaser.

**64.** When the property sold is one of which actual seizure has been made, the property shall be delivered to the purchaser.

In other cases how property delivered to purchaser.

**65.** When the property sold is in the possession of any person other than the judgment-debtor, or is a debt due by any person to the judgment-debtor, delivery thereof to the purchaser shall be made by a written notice to such person, prohibiting him from delivering possession of the property or paying the debt to any person except the purchaser, and whatever right the judgment-debtor had in such property or debt at the time of attachment shall vest in the purchaser.

Decree may be transmitted to District Munsif for execution.

**66.** Any decree passed by a Village Court may, on the application of the decree-holder, be transmitted for execution to the District Munsif, who may execute the same as if it were a decree passed by himself, or may transmit it for execution to the Court of any other village in which the defendant is represented to have movable property. Such Court shall proceed as if the decree was passed by itself.

District Munsif may withdraw execution of any decree.

**67.** It shall be competent to the District Munsif to withdraw the execution of any decree from any Village Court, and to execute it himself, as if it were a decree passed by himself.

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## CHAPTER VII.

### MISCELLANEOUS.

If on death of party to suit application is made, legal representative of deceased may be entered on record.

**68.** If a plaintiff or a defendant die before decree is passed in the suit, the name of his legal representative may be entered in his place on the record, on the application of the opposite party or of such legal representative, but no decree shall be passed against the legal representative of a deceased defendant beyond the value of the assets derived from him and not duly accounted for.

If no application made, suit to be dismissed.

**69.** If no such application be made within sixty days from the date of the death of the plaintiff or defendant, the suit shall be dismissed, and no fresh suit shall be allowed to be brought on the same cause of action.

If more than one plaintiff or defendant, suit to proceed at instance of or against survivor.

**70.** If there be more plaintiffs or defendants than one, and any of them die, and his representative is not joined as aforesaid, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

If decree-holder die his legal representative may be substituted.

**71.** If a decree-holder die before the decree has been fully executed, his legal representative may apply to the Village Court to substitute his name as the decree-holder in the room of the deceased, and if the Court be satisfied, after giving notice to the judgment-debtor, that the applicant is the legal representative of the deceased, it shall substitute his name on the record as the decree-holder.

If judgment-debtor die, decree may be executed against his legal representative.

**72.** If a judgment-debtor die before the decree has been fully executed, it may be executed on the application of the decree-holder against the legal representative of the judgment-debtor, to the extent of assets derived from him and not duly accounted for.

Revision by District Munsif of Village Court's Proceedings.

**73.** The District Munsif may, on a petition being presented within sixty days from the date of any decree or order of a Village Court by any party deeming himself aggrieved by such decree or order, set aside such decree or order on the ground—

of corruption, gross partiality or misconduct of the Village Court; or

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of its having exercised a jurisdiction not vested in it by law, or otherwise acted illegally or with material irregularity; or

that the decree or order is clearly unjust or contrary to law;

and may pass such other decree or order as he thinks fit; provided that no decree or order of a Village Court shall be set aside without notice to the opposite party. Pending disposal of any such petition, the District Munsif may stay execution of the decree or order.

A petition under this section may be entertained after sixty days by the District Munsif if he is satisfied with the cause shown for the delay.

Except as provided in this section, every decree and order of a Village Court shall be final.

District Munsif may, and in certain cases shall, report to District Judge.

**74.** Whenever under Section 73 the District Munsif sets aside a decree or order, he may report the case to the District Judge, and shall report every case in which he sets aside a decree or order on the ground of corruption, gross partiality, or misconduct.

Power of High Court to prescribe forms and of District Judge and District Munsif to inspect records.

**75.** The High Court may, from time to time, prescribe forms for use in Village Courts and the returns which they shall be bound to submit. The District Judge or the District Munsif may at any time call for and inspect the registers and records of Village Courts.

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## SCHEDULE.

### ENACTMENTS REPEALED.

(*See Section* 2.)

| Number and year. | Subject or title. | Extent of repeal. |
|---|---|---|
| 1 | 2 | 3 |
| Madras Regulation IV of 1816. | A Regulation for declaring the head inhabitants of villages to be Munsifs in their respective villages, to hear and decide Civil Suits for sums of money or other personal property to a limited amount, and for defining their jurisdiction. | So far as it has not been already repealed. |

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| Number and year. | Subject or title. | Extent of repeal. |
|---|---|---|
| 1 | 2 | 3 |
| Madras Act IV of 1883. | An Act to raise the pecuniary limit of the Civil Jurisdiction exercised by Village Munsifs under Madras Regulation IV of 1816. | The whole. |

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# MADRAS ACT No. II OF 1889.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

[*Received the assent of the Governor on the 8th April* 1889 *and of the Governor-General on the 20th May* 1889.]

## *An Act to amend the Madras Jails Act*, 1869.

Preamble.

WHEREAS it is expedient further to amend the Madras Jails Act, 1869; It is hereby enacted as follows:—

New section to follow section 17.

**1.** After section 17 of the said Act, the following section shall be inserted, namely:—

17A. "When any person, in the presence of any Superintendent of a Jail, Jailor, Warder, or person placed in charge of prisoners, commits any offence specified in sections 14 and 15 of this Act, and refuses on demand of such Jail officer or person to give his name and residence, or gives a name or residence which such Jail officer or person has reason to believe to be false, such Jail officer or person may arrest him, and shall, without unnecessary delay, make him over to a Police officer or take him to a Police station, and thereupon such Police officer or the officer in charge of the station shall proceed as if the offence had been committed in his presence."

**2.** This Act shall be read with, and taken to form part of, the Madras Jails Act, 1869.

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# MADRAS ACT No. III OF 1889.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

[*Received the assent of the Governor on the* 16*th November* 1889 *and of the Governor-General on the* 23*rd December* 1889.]

*An Act to provide for the prevention and control of Nuisances outside the Town of Madras.*

WHEREAS it is expedient to amend Act XXIV of 1859 and to consolidate and improve the law relating to nuisances in places outside the Town of Madrás: It is hereby enacted as follows:—

Preamble.

Short title.

**1.** (1) This Act may be called the Towns Nuisances Act, 1889.

Local extent.

(2) Sections 1 and 2 of this Act extend to the whole of the Presidency of Fort St. George. The remaining sections extend to all towns in the said Presidency which may have been or may hereafter be declared to be municipalities under Madras Act IV of 1884, or other Act of the same nature for the time being in force; and the Governor in Council may from time to time by notification in the *Fort St. George Gazette* extend such sections or any part or parts thereof permanently or for a time or for specified occasions only, from such date as may be specified in the notification, to any other local area in the Presidency of Fort St. George, outside the limits of the Town of Madras, and may cancel or modify any such notification.

Enactments repealed.

**2.** The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

Penalty for certain offences in public street.

**3.** Whoever in any public street, road, thoroughfare or place of public resort commits any of the following offences shall be liable on conviction to fine not exceeding fifty rupees

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or to imprisonment of either description not exceeding eight days:—

Rash or negligent driving.

(1) Whoever drives or rides any animal, or drives, drags or pushes any vehicle, in a rash or negligent manner.

Causing obstruction by negligence in driving cattle.

(2) Whoever by negligence or ill-usage in driving cattle causes any mischief or obstruction by such cattle.

Driving, &c., otherwise than on near or left side of the road.

(3) Whoever without reasonable excuse and so as to cause danger or obstruction to any person shall drive, drag or push any vehicle otherwise than on the near or left side of the road.

Leaving vehicle or cattle without due control.

(4) Whoever, being in charge of any vehicle or cattle, leaves it or them at such a distance as not to have the same under due control.

Obstructing thoroughfare.

(5) Whoever causes any vehicle to remain or stand longer than may be necessary for loading or unloading except at places appointed for the purpose, or fastens any horse or other animal so as to cause obstruction or in any way wilfully obstructs or causes obstruction to the free passage of any thoroughfare.

Exposing goods so as to cause obstruction.

(6) Whoever exposes goods for sale so as to cause obstruction.

Letting loose horses or ferocious dogs.

(7) Whoever negligently lets loose any horse or suffers any ferocious dog to be at large without a muzzle or sets on or urges any dog or other animal to attack, worry or put in fear any person or cattle.

Begging.

(8) Whoever, so as to cause annoyance, begs or applies for alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of extorting alms.

Depositing rubbish, stones, &c.

(9) Whoever without reasonable excuse throws or lays down any dirt, filth, rubbish, or any stones or building materials.

Gambling or cock-fighting in street.

(10) Whoever is found gaming with cards, dice, counters, money or other instruments of gaming or publicly fighting cocks or taking part in such gaming or cock-fighting.

Committing nuisance in street.

(11) Whoever wilfully and indecently exposes his person or commits a nuisance by easing himself, and whoever, having the care or custody of any child under 7 years of age, omits to prevent such child from committing a nuisance as aforesaid.

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(12) Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour.

Drunkenness or riotous or indecent behaviour.

In case of conviction being had for an offence under clause (10) of this section, the instruments of gaming and money employed or displayed for the purposes of gaming shall be liable to forfeiture under orders of the Court.

Forfeiture of gaming instruments, &c.

**4.** Whoever neglects to fence in or protect any well, tank or other dangerous place or structure, or,

Neglecting to fence in well, tank, &c.

whoever causes any offensive matter to run from any house, factory, dungheap or the like into the street—

Causing offensive matter to run from house, &c.

shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description which may extend to one month.

**5.** Whoever cruelly beats, ill-treats, tortures, or drives, rides, or otherwise uses any animal in an unfit state to be so driven, ridden or used, or causes any animal to be cruelly beaten, ill-treated, tortured, or to be driven, ridden or used when unfit to be driven, ridden or used, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment of either description not exceeding one month, or to both.

Penalty for cruelty to animals.

**6.** Whoever opens, keeps or uses or permits to be used any common gaming house, or conducts or assists in conducting the business of any common gaming house, or advances or furnishes any money for gaming therein, shall be liable on conviction to fine not exceeding five hundred rupees or to imprisonment of either description not exceeding three months, or to both.

Penalty for opening, &c., common gaming house.

**7.** Whoever is found gaming or present for the purpose of gaming in a common gaming house shall on conviction be liable to fine not exceeding two hundred rupees or to imprisonment of either description not exceeding one month; and any person found in any common gambling house during any gaming or playing therein shall be presumed to have been there for the purpose of gaming.

Penalty for being found gaming in common gaming house.

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Police may arrest without warrant on view of offence.

**8.** Any Police officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

Magistrate, &c., may grant authority to enter common gaming house.

**9.** If any Magistrate, other than the Head of a village, or officer of Police not below the rank of Assistant Superintendent, has reason to believe that any enclosed place or building is used as a common gaming house, he may by an order in writing give authority to any Police officer above the rank of a constable to enter, with such assistance as may be found necessary, any such enclosed place or building, and to arrest all persons found therein and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein, and to search all parts of such enclosed place or building and also the persons found therein.

Destruction of stray dogs.

**10.** The District or Sub-Divisional Magistrate may from time to time cause to be notified by beat of drum or otherwise that dogs found straying within certain limits will be destroyed, and dogs found straying within such limits after such notification may be destroyed by any person in such manner as the District or Sub-Divisional Magistrate may from time to time direct.

Act to form part of General Police Act.

**11.** Sections 3 and 4 of this Act shall be read with, and form part of, Act XXIV of 1859.

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## SCHEDULE.

(REFERRED TO IN SECTION 2.)

| Number and year. | Subject. | Extent of repeal. |
|---|---|---|
| Act XXIV of 1859 .. | Police .. | Section 48. |
| Madras Act I of 1866 .. | Cantonments .. | „ 13. |
| „ „ I of 1872 .. | Police .. | The whole. |
| „ „ I of 1885 .. | Do. .. | Do. |

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MADRAS ACT No. IV OF 1889.

# THE MADRAS SALT ACT, 1889.

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# MADRAS ACT No. IV OF 1889.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

[*Received the assent of the Governor on the* 21*st November* 1889 *and of the Governor-General on the* 30*th December* 1889.]

*An Act to consolidate and amend the law relating to the Salt Revenue in the Presidency of Fort St. George.*

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Salt Revenue in the Presidency of Fort St. George; it is hereby enacted as follows:—

## CHAPTER I.

### PRELIMINARY.

Short title.

**1.** This Act may be called "The Madras Salt Act, 1889:"

Extent.

It extends to the whole of the Presidency of Fort St. George; Provided that the Governor in Council may, from time to time, by notification exempt any local area from the operation of all or any of the provisions of this Act other than this section and section 2.

Proviso.

Enactments repealed.

**2.** The Enactments specified in the schedule hereunto annexed are repealed to the extent shown in the third column of the said schedule.

Saving of Powers.

All licenses granted, orders, rules and appointments made, notifications published, local limits defined, and powers conferred, under any of such enactments, or under any enactments thereby repealed, shall, so far as they are consistent herewith, be deemed to have been respectively granted, made, published, defined and conferred, under this Act.

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Interpretation clause.

**3.** In this Act, unless there be something repugnant in the subject or context—

"Salt Revenue."

(*a*) "Salt Revenue" means revenue derived or derivable from any price, duty, fee, tax, fine, confiscation, or payment imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to salt.

"Salt."

(*b*) "Salt" means chloride of sodium, and includes swamp salt, spontaneous salt, and salt or saline solutions made or produced from any saline substance or from salt-earth.

"Saline substance."

(*c*) "Saline substance" means any substance naturally containing salt.

"Salt-earth."

(*d*) "Salt-earth" means earth containing salt.

"Saltpetre."

(*e*) "Saltpetre" means nitrate of potash, and in any local areas which may be defined in this behalf from time to time by the Governor in Council by notification shall include any or all kinds of carbonates, nitrates or sulphates of soda and potash specified in such notification.

"Manufacture."

(*f*) "Manufacture" includes excavation, collection, removal, preparation, steeping, evaporation, boiling or any one or more of those processes; and also the separation of salt from any saline substance or from saltpetre.

"Circle."

(*g*) "Circle" means a local area from time to time constituted as such by the Governor in Council by notification.

"Inspector."

(*h*) "Inspector" means an officer in charge of a circle, and includes any officer who may be specially invested by Government with the powers of an Inspector under this Act.

"Salt Factory."

(*i*) "Salt Factory" includes any place used or intended to be used for the manufacture of salt or for the storage or keeping of the same pending payment of duty, and all embankments, channels, reservoirs, lands, buildings, and waste places, situated within the limits thereof as defined from time to time by the Governor in Council; but does not include a warehouse appointed or licensed under the Sea Customs Act, 1878.

"Salt-work."

(*j*) "Salt-work" means any defined area within a salt factory, which is used for the manufacture of salt and which is separately registered as such in the public accounts.

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(*k*) "Contraband Salt" means salt, saline substances, salt-earth or saltpetre manufactured without license, or dealt with by any person in contravention of any enactment for the time being in force or of any order, permit or license issued thereunder, or of any Rule made in pursuance thereof.

"Contraband Salt."

But it shall not include salt-earth which has been merely excavated or collected, unless such salt-earth is found within the limits of any local area wherein such salt-earth is declared by a notification of the Governor in Council to be contraband salt, nor shall it include sea water.

(*l*) "Commissioner" means the officer appointed by the Governor in Council under section 4, clause (*a*).

"Commissioner."

(*m*) "Licensee" means a person to whom a license to manufacture salt or saltpetre is issued, and includes any person registered as the transferee of such license under the provisions hereinafter contained.

"Licensee."

(*n*) "Magistrate" means a Magistrate appointed under the Code of Criminal Procedure.

"Magistrate."

(*o*) "Imprisonment" means imprisonment of either description as defined in the Indian Penal Code.

"Imprisonment."

(*p*) "Maund" means a maund of eighty-two and two-sevenths pounds avoirdupois weight.

"Maund."

(*q*) "Place" includes a house, building, shop, tent, or vessel.

"Place."

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## CHAPTER II.

### The Appointment of Officers.

**4.** Notwithstanding anything contained in Regulations I and II of 1803, the Governor in Council may, from time to time, by notification—

(*a*) appoint an officer, who shall, either as a Member of the Board of Revenue or subject to the orders of the Board of Revenue or independently of the Board of Revenue, as the Governor in Council may direct, have the control of the administration of the Salt Department and of the collection of the Salt Revenue; and

The Governor in Council may appoint an officer to control the administration of the Salt Department;

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may withdraw from Board of Revenue or Collectors of Land Revenue their powers in respect of Salt Revenue.

(*b*) withdraw from the Board of Revenue or the Collector of Land Revenue any or all of their or his powers in respect of the Salt Revenue.

Deputy and Assistant Commissioners and Inspectors.

**5.** The Governor in Council may from time to time appoint officers of the Salt Department subordinate to the Commissioner, under the designation of Deputy and Assistant Commissioners and Inspectors of Salt Revenue, or under such other designations as may seem fit, and may suspend, reduce, transfer, or dismiss any officer so appointed.

The Governor in Council may delegate any of his powers under this section to the Commissioner.

Subordinate Officers.

**6.** The appointment of all other subordinate officers of the Salt Department shall, under such orders as the Governor in Council may from time to time prescribe, vest in the Commissioner, who may fine, suspend, reduce, transfer, or dismiss any subordinate officer so appointed.

Delegation of powers by the Commissioner.

**7.** The Commissioner may from time to time, with the sanction of the Governor in Council, by notification, authorise any officer subordinate to him to exercise any of the powers conferred on him by this Act, within such local area, and subject to such limitations as he may think fit.

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## CHAPTER III.

### OF THE MANUFACTURE OF SALT.

#### PART I.—*General.*

Manufacture without license illegal.

**8.** No person, not being a public servant manufacturing on behalf of Government, shall manufacture salt unless duly licensed as hereinafter provided.

Commissioner may grant licenses;

**9.** The Commissioner may grant licenses for the manufacture of salt. Every license shall relate to specified salt works and shall contain such particulars and conditions as the Governor in Council may from time to time prescribe. The

may call for and alter them or tender new license,

Commissioner may at any time call for any license and may amend or alter it or may tender to the licensee a new license

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in accordance with any further conditions which may be so prescribed.

and if new license refused, may cancel previous license.

If such new license is not accepted by the licensee, the Commissioner may direct that the previous license shall be cancelled.

Every person who is registered as a manufacturer of salt at any salt factory in existence when this Act comes into force, shall be deemed to be duly licensed to manufacture salt hereunder until a license shall be issued to him.

Two descriptions of licenses.

**10.** Licenses for the manufacture of salt may be either—

(i) for the manufacture of Salt for sale to Government, or

(ii) for the manufacture of Salt for general sale.

**11.** Licenses shall be transferable and may be relinquished.

Transfer and relinquishment of licenses.

Provided that no transfer or relinquishment shall have any effect against the Commissioner unless and until it shall have been registered or accepted under such rules as the Governor in Council may from time to time prescribe.

**12.** For the purposes of this Act, the licensee shall be taken to be the owner of the license and of the salt works specified therein. Provided that nothing herein contained shall affect the liability of the licensee towards any person who may have an interest in, or lien upon, such license or salt works.

Licensee to be taken to be owner of license and salt works.

**13.** The Governor in Council may by notification establish a salt factory in any land which is the property of Government, or in which the owner thereof shall permit the establishment of a salt factory. Subject to the payment of compensation as hereinafter provided, the Governor in Council may in like manner close any salt factory or portion thereof by directing cancellation of the licenses relating to salt works therein comprised.

Power to establish and close factories.

**14.** The Governor in Council may direct that any salt factory or portion of a salt factory worked for sale of salt to Government shall be worked for general sale of salt, and that any factory or portion of a factory worked for general sale of salt, shall be worked for sale of salt to Government.

Power to substitute either system of manufacture for the other.

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Proviso.

Provided that no such change shall be introduced during a manufacturing season.

Notice to be given of intention to substitute.

**15.** The intention of the Governor in Council to effect such change shall be declared by a notification not later than the first day of June in the year preceding that in which the change is to take effect, and notice of such intention shall further be served on the general body of licensees at the factory affected. On or after the first day of December next ensuing and before the commencement of manufacture, the Commissioner shall cause all licensees to be summoned to receive new licenses, and if any of them fail to attend in person or by authorized agent at the time and place mentioned in the summons and to accept the licenses tendered, the Commissioner may declare the existing licenses cancelled.

Power to recall licenses and issue new ones.

Retention of salt works for which licenses have been relinquished or cancelled to be determined by Commissioner.

**16.** Salt works for which licenses have been relinquished under section 11 or cancelled under sections 9, 13, 15, 25, 27, or 73, shall be at the disposal of the Commissioner, who shall determine whether the salt works shall be retained within the salt factory or not.

Procedure where salt works are retained within the factory.

(*a*) If the Commissioner directs that the salt works shall be retained within the factory, the proprietary right of other persons therein, if any, shall thereupon vest in the Governor in Council and the Commissioner shall pay the value of such proprietary right to the late licensee. In calculating such value the value of the land as a site for salt manufacture shall not be taken into account. The Commissioner shall, if he admits the existence of such proprietary right, tender to the late licensee such sum as he considers to represent the value thereof, and if the sum tendered is not accepted or such proprietary right is not admitted by the Commissioner, he shall refer the late licensee to a court of competent jurisdiction. In the case of salt works for which licenses have been cancelled under sections 9, 13, or 15, the Commissioner shall also pay to the late licensee compensation at the rates fixed in section 18.

Procedure where they are not retained.

(*b*) If the Commissioner directs that the salt works shall not be retained within the factory he shall exclude them from the limits thereof, and no payment for the value of any proprietary right shall be made, but in the case of salt works for which

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licenses have been cancelled under sections 9, 13, or 15, the Commissioner shall pay the late licensees compensation at the rates fixed in section 18.

Provided that no compensation under this section shall be payable, if it is excluded by express stipulation in the conditions of the license.

Proviso.

**17.** Pending the disposal of salt works under section 16, in case of dispute as to succession to a deceased licensee and whenever a license is suspended under this Act, the Commissioner may—

Treatment of works pending disposal, in the case of dispute, or of suspension of license.

grant a temporary license for manufacture in the works in question; or

flood them with water; or

take any other measure he may think fit to prevent injury to manufacture in neighbouring salt works or the spontaneous generation of salt.

**18.** The compensation payable under section 16 to a licensee shall be at the rate of four annas for every maund of salt in the average quantity annually stored from the salt works to which the license cancelled or relinquished relates. In the case of a license to manufacture salt for sale to Government, such average quantity shall be calculated on the number of years in which the salt works have been worked during the five years last preceding. In the case of a license to manufacture salt for general sale, such average quantity shall be calculated on the period not exceeding five years last preceding during which the license has been in force.

Compensation payable.

**19.** The Commissioner may without payment authorize the immediate destruction of all salt manufactured by licensees otherwise than according to the conditions of their licenses.

Power to destroy salt.

**20.** The Commissioner may cause guard-sheds to be erected at any place in any salt factory without payment of compensation for the use of the land occupied thereby.

Power to erect guard-sheds.

PART II.—*Of the Manufacture of Salt for sale to Government.*

**21.** The provisions of this part shall apply only in salt factories or portions of factories worked for sale of salt to Government.

Factories for sale of salt to Government.

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Power to determine quantity of salt to be manufactured.

**22.** The Commissioner shall determine the quantity of salt to be manufactured in each year by each licensee.

Commissioner to pay for salt manufactured.

The Commissioner shall pay licensees for all salt manufactured according to the conditions of their licenses and delivered into store by them, at such rates as the Governor in Council may from time to time prescribe.

Obligations and duties of licensees.

**23.** Licensees shall be bound at their own expense to maintain in repair their salt works and the minor irrigation channels which supply brine thereto, and to deliver all the salt manufactured by them into store at the place and in the manner appointed by the Commissioner for the factory or for the salt works of the licensee. They shall also be bound, when called upon by the Commissioner, to provide labor and materials for securing salt in store and for executing repairs to the platforms, main channels, roads, and other works of the factory, and shall be paid therefor at the rates usually paid in the neighbourhood for labor and materials of a similar description.

Power to enforce performance of obligations by licensees.

**24.** If the licensees fail to agree among themselves as to the proportion in which they shall execute, perform and do the several works, duties and things mentioned in the last preceding section, it shall be lawful for the Commissioner to determine such proportion by order to be affixed in a conspicuous place in the salt factory, and the licensees shall thereupon be bound to execute, perform and do such works, duties and things accordingly within a time to be named in the said order, and if any licensee shall fail so to do, the Commissioner may take such steps as he may think fit for the execution, performance and doing of such works, duties and things, and may recover from such licensee the amount of any expenditure which the Commissioner may have incurred owing to such refusal or neglect.

Powers of Commissioner in case of want of due diligence or default by licensee.

**25.** In case of a licensee failing to exercise due diligence in manufacture, or committing any default under section 23 or 24, the Commissioner may—

impose upon the licensee a fine not exceeding one-tenth of the sum payable at the prescribed rates on the quantity of salt determined under section 22; or

suspend the license for such period as he may think fit; or

one month after notice cancel the license.

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PART III.—*Of the Manufacture of Salt for general sale.*

Factories for general sale of salt.

**26.** The provisions of this part shall apply only to salt factories or portions of factories worked for general sale of salt.

Power to cancel license on failure to manufacture.

**27.** The Commissioner may, after giving one month's notice, cancel the license for any salt work at which no salt shall have been manufactured during the two manufacturing seasons last preceding.

Removal of salt from closed factory.

**28.** Salt in store at any salt factory, or part of a factory, which may be closed in the manner hereinbefore provided, or the property of any licensee whose license may be cancelled or suspended, shall be removed within six months of the date of such closing or of the cancelment or suspension of such license, for which purpose only the license shall continue in force; and if the licensee shall fail so to remove the salt on payment of the duty thereon, it shall be forfeited to Government and disposed of as the Commissioner may think fit.

Salt to be protected, reheaped and secured and storage works constructed.

**29.** The Commissioner may, by order in writing, require a licensee to protect salt manufactured by him in such manner as the Commissioner shall consider sufficient in any place appointed by the Commissioner for the storage or keeping of salt for the factory or for the salt works of the licensee, to reheap and secure in such manner as he may direct any portion remaining out of a heap or store which has been opened, or to construct or repair to the Commissioner's satisfaction any embankment, platform, building, or works required or set apart for the purpose of storage, and if the licensee shall fail to comply with such order within ten days of the receipt thereof, the Commissioner may do what is required or may sell or destroy salt so left unprotected or unstored and may recover the cost from the licensee.

Refuse salt to be stored or destroyed.

**30.** The Commissioner may call on a licensee to store in such manner as he may direct any sifted or refuse salt manufactured by him which may be lying unstored, or, at the option of the licensee, to destroy the same; and if the licensee shall fail either to store or to destroy such salt within ten days of the receipt of the order so to do, the Commissioner may cause such salt to be destroyed and may recover the cost of such destruction from him. The Commissioner shall determine whether any salt is sifted or refuse for the purposes of this Act.

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Licensees to maintain in good order roads, channels, reservoirs, &c.

**31.** The licensees at each salt factory shall be bound, at their own expense, to construct and maintain within the limits of the factory in good repair to the satisfaction of the Commissioner all roads and all channels, reservoirs, embankments, drying grounds, platforms, and other works used or intended to be used for the manufacture and storage of Salt, and also all works wherever situated for the protection of the Factory from inundation or for the supply of brine.

When works may be undertaken by Salt Department.

**32.** In case the licensees shall fail to execute the works specified in the last preceding section, or, with the sanction of the Governor in Council, whenever it appears desirable that any such work should be undertaken by the Salt Department, the Commissioner may cause such works to be executed and may recover the cost thereof, in such proportions as may seem fit, from the licensees.

Applicants for permit to remove salt legally bound to state price.

**33.** Every person applying for a permit to remove salt from a salt factory under this chapter shall be legally bound to declare in the application the price at which the salt has been sold and the full consideration given or agreed to be given therefor.

Liability of Government for loss or damages to salt in a factory.

**34.** No licensee shall be entitled to claim from Government compensation for any loss or damage to stored or unstored salt lying at any salt factory, unless it be proved that such loss or damage was caused by the wilful act or neglect of an officer of the Salt Department employed at the factory at which the salt was lying.

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## CHAPTER IV.

### Manufacture and Refinement of Saltpetre.

Manufacture of saltpetre without license illegal.

**35.** No person, not being a public servant manufacturing on behalf of Government, shall manufacture or refine saltpetre unless duly licensed as hereinafter provided.

Commissioner may grant licenses.

**36.** The Commissioner may grant licenses for the manufacture or refinement of saltpetre.

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Two kinds of licenses.

**37.** Such licenses may be either—

A. For the manufacture only of saltpetre in its crude form, or

B. For the manufacture and refinement of saltpetre, and the separation and purification of salt in the process of such manufacture and refinement.

Fees for licenses.

**38.** The Governor in Council may from time to time by notification determine the fees to be paid for such licenses in any local area.

Conditions of license.

**39.** Licenses under this chapter shall be annual and shall contain such particulars and conditions as the Governor in Council may from time to time prescribe, and every license under clause B, section 37, shall relate to specified premises.

Disposal of materials on cancellation or suspension of license.

**40.** Whenever any license under this chapter is cancelled or suspended under section 73, the Commissioner may, by order in writing, require the licensee to destroy all materials in his possession capable of being used in the manufacture of salt or in the refinement of saltpetre; and in case the licensee shall fail so to do within ten days, the Commissioner may cause them to be destroyed, and may recover the cost from the licensee.

Payment of duty on salt on cancellation or suspension of license.

**41.** The Commissioner may, from time to time, and shall, whenever any license under clause B, section 37, is cancelled or suspended, by order in writing, call on the licensee to pay the duty leviable under section 43 on all salt found on the premises and to remove the salt. If the licensee without reasonable excuse fail so to do within ten days, the Commissioner may sell the salt on behalf of Government subject to payment of duty, or may destroy it and recover the cost of such destruction from the licensee.

Licensee to fence premises and store materials.

**42.** The Commissioner may, from time to time, by order in writing, call on any person licensed under clause B, section 37—

(1) to fence the premises to which the license relates,

(2) to keep the fences in repair,

(3) to store or protect the materials used or produced therein,

in such manner as he may direct. If the licensee fails to carry out such order within one month, the Commissioner may cancel his license or may suspend it or may himself do what is required and recover the cost thereof from the licensee.

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## CHAPTER V.

### REMOVAL OF SALT AND PAYMENT OF DUTY AND CHARGES.

Salt not removable from factory except under permit and on payment of duty and other charges.

**43.** Subject to any rules which may be framed by the Governor in Council under section 85, no salt shall be removed from any salt factory, otherwise than on account of Government, or for transport to a place of storage authorized by the Commissioner, and no salt shall be removed from such authorized place of storage, except under a permit and upon payment of duty at the rate fixed by the Governor-General in Council under the Indian Salt Act, 1882, and of the following charges:—

A—For every maund of salt sold on account of Government such sum as may be fixed under general or special order of the Governor in Council, or determined by auction sale, not being less than any minimum fixed under section 8 of the Indian Salt Act, 1882.

B—For every maund of salt sold by or on account of a licensee under section 10 (ii) such sum as the Commissioner, under such rules as the Governor in Council may from time to time prescribe, may fix as sufficient to cover all or any of the following charges or portions thereof:—

(1) The rent or assessment of the land occupied by the factory, and of the land or buildings on or in which the salt was stored.

(2) Interest at five per centum per annum on the capital cost of the works constructed at the expense of Government within the factory of any of the descriptions, or for any of the purposes, mentioned in section 31.

(3) The cost of any works executed under section 32 and not recovered thereunder.

(4) So much of the annual expenditure incurred by the Government on the establishments maintained at the factory or place of storage for the purposes of guarding the salt and of realizing the revenue thereon, as may exceed five per centum on the duty levied on the salt therein sold in preceding official years and as has not been recovered by Government.

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**44.** Every holder of a permit for the removal of salt from a salt factory shall be bound to superintend either in person or by his servant or agent the weighing out of the same, and the person actually superintending such weighment shall be bound to prevent the removal of any quantity in excess of that for which the permit has been granted, and may test the weights and scales used in the weighment thereof.

Holder of permit to superintend weighment of salt and person superintending responsible for quantity removed.

**45.** The Commissioner may establish Preventive Stations at which all salt removed from any specified factory shall be detained and examined.

Establishment of Preventive Stations.

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## CHAPTER VI.

### Of the Powers of Public Officers for the Detection and Punishment of Offences against the Salt Law.

**46.** Any Magistrate on information given that contraband salt is manufactured, sold, or kept in any place within his jurisdiction may issue a warrant to search for such salt. Before issuing such warrant the Magistrate shall examine the informant on oath or affirmation, and the examination shall be reduced into writing and be signed by the informant and by the Magistrate.

Magistrate may issue search warrant on information.

**47.** Whenever any officer of the Salt, Police, Land Revenue, Abkári, or Customs Departments, empowered by the Governor in Council in this behalf, has reason to believe that contraband salt is being manufactured, sold, or kept, in any place and that the delay in obtaining a search warrant will prevent the discovery thereof, such officer shall first record in writing (so far as may be practicable)—

When officer of Salt or other department may search without warrant; and the procedure to be observed.

(*a*) the name, residence and calling of the informant (if any);

(*b*) the locality and description of the place in which, and the name of the person for or by whom, the contraband salt is manufactured, sold or kept; and

(*c*) the supposed quantity and description of the contraband salt, with the grounds of believing the same to be contraband;

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and may then between sunrise and sunset enter and search any such place and may seize and carry away all contraband salt and all things liable to confiscation under this Act which he may find, and may destroy any works constructed in such place for the manufacture of such salt or to cause or assist the spontaneous generation of salt;

and may also arrest any person concerned in the manufacture, sale, or keeping of such contraband salt or in dealing therewith. Any person arrested under this section shall be admitted to bail by the officer conducting the search if sufficient bail be tendered for the appearance of such person before the Inspector.

When Head of village may search.

**48.** Whenever the Head of a village has credible information that contraband salt is manufactured, sold, or kept, in his village, he may between sunrise and sunset, search the place in which such salt is believed to be manufactured, sold, or kept, and shall seize and carry away all such salt and all things liable to confiscation under this Act which he may find; and he shall forthwith forward them with a report mentioning the circumstances under which, and the person in whose possession, they were found, to the nearest Salt Factory or Police Station.

When offenders may be arrested, and anything liable to confiscation seized, without warrant.

**49.** Any officer of the Salt, Police, Land Revenue, Abkári or Customs Departments may arrest without warrant in any public thoroughfare or open place other than a dwelling place any person found committing an offence under this Act and in any such thoroughfare or open place may seize and detain any thing which he has reason to believe to be liable to confiscation under this Act, and may search any person, vessel, vehicle, animal, package, or covering, upon whom or in or upon which he may have reasonable cause to suspect any such thing to be.

Person refusing to give name and residence or giving false ones may be arrested.

**50.** Any person who may be accused or reasonably suspected of committing an offence under this Act, and who on demand of any officer of the Salt, Police, Land Revenue, Abkári or Customs Departments, or of any other person duly empowered, refuses to give his name and residence, or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

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Procedure in case of search.

**51.** All searches under this chapter shall be made in accordance with the provisions of the Criminal Procedure Code, so far as the same are consistent herewith, and where made by a Head of a village shall be reported within twenty-four hours to the Magistrate having jurisdiction.

Report of search or seizure.

**52.** Whenever any search or arrest or seizure is made under sections 47, 49, or 50, the officer making it shall, within twenty-four hours, make a full report of the particulars of such arrest or seizure to his immediate official superior.

Persons arrested, how to be dealt with.

**53.** Whenever any person is arrested under the provisions of this chapter and has not been admitted to bail under section 47, the person arresting him shall forthwith forward him to the Inspector of the Circle in which the arrest was made, or, if such Inspector be not within a distance of ten miles from the place at which such arrest took place, to the nearest Police Station, with a report of the circumstances under which such arrest was made.

Procedure by Police Station Officer.

**54.** On any such person being brought to a Police Station as aforesaid, the officer in charge thereof shall admit him to bail to appear when summoned before the Inspector of the Circle within the limits of which the offence with which he is charged is suspected to have been committed, and in default of bail shall forward him in custody to such Inspector.

Procedure by Inspector.

**55.** Whenever any person charged with having committed an offence under this Act is brought before an Inspector or appears before him on bail, such Inspector shall after such inquiry as he may deem fit either release him or admit him to bail to appear before the Magistrate having jurisdiction or in default of bail forward him in custody to such Magistrate.

Bond and sureties of accused.

**56.** Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Inspector before whom he was bailed to attend or the Magistrate as the case may be.

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Provided that the officer admitting any such person to bail may dispense with the requirement of a surety or sureties to the bond executed by such person.

Procedure in case of default of person admitted to bail to appear before Inspector.

**57.** Whenever, by reason of default of appearance of a person bailed to appear before an Inspector, such Inspector is of opinion that proceedings should be had to compel payment of the penalty mentioned in the bond, he shall forward it to the Magistrate having jurisdiction to try the offence of which the person bailed was accused, and the Magistrate shall proceed to compel payment of the penalty in the manner provided by the Code of Criminal Procedure for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

Inspector may summon suspected persons.

**58.** Any Inspector may, after recording his reasons in writing, summon any person to appear before him whom he has reason to suspect of having committed an offence under this Act. On such person appearing before such Inspector he shall be dealt with under section 55.

Salt Officers may summon witnesses.

**59.** Any officer of the Salt Department duly empowered in this behalf by the Governor in Council may summon any person to appear before himself to give evidence in any investigation relating to the Salt Revenue or to an offence under this Act or to produce any document relevant thereto which may be in his possession or under his control.

Provided that no person shall be summoned to appear at a greater distance from his usual place of residence than the Governor in Council may from time to time by notification direct.

Terms of summons.

**60.** Summonses shall be in writing, shall require the persons summoned to appear at a stated time and place, and shall be signed by the officer issuing them. Summonses under section 59 shall state whether the person summoned is required to give evidence or to produce a document, or both.

Examination of witnesses summoned by Salt Officers.

**61.** Persons summoned under section 59 shall attend as required and shall answer all questions relating to such investigation put to them by such officer. Such answers shall be reduced into writing, and shall be signed by such officer.

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**62.** Such officer may proceed to the residence of any person who from sickness or other infirmity may be unable to attend before him, or whom by reason of rank or sex it may not be proper to summon, and may there examine him instead of summoning him to appear; and the provisions of section 61 shall apply in such case.

When attendance to be dispensed with, and procedure in such cases.

**63.** Any person summoned merely to produce a document shall be deemed to have complied with the summons if he cause such document to be produced, instead of attending personally to produce the same.

Persons summoned to produce documents may send them.

**64.** Whenever an Inspector forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction or admits any such person to bail to appear before such Magistrate, such Inspector shall also forward to such Magistrate a report setting forth the name of the accused person, the nature of the offence with which he is charged, and the names of the persons who appear to be acquainted with the circumstances of the case; and shall send to such Magistrate any article or samples which it may be necessary to produce before him. Upon the receipt of such report, the Magistrate shall proceed in like manner as if report had been made to him under clause (*b*), section 191, of the Code of Criminal Procedure.

Report of Inspector gives jurisdiction to a competent Magistrate.

**65.** Such Inspector shall exercise all the powers conferred by the Code of Criminal Procedure on an officer in charge of a Police Station in respect to causing the appearance before such Magistrate of such persons as he may consider necessary to be examined by the Magistrate.

Powers of Inspector to cause attendance of witnesses.

**66.** No person accused or suspected of having committed an offence under this Act shall be detained in custody for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, exceed twenty-four hours exclusive of the time necessary for the journey of such person to the place where the Inspector may be and from thence to the Magistrate having jurisdiction.

Accused not to be detained in custody for a longer period than twenty-four hours without special authority.

**67.** All officers in charge of Police Stations shall take charge of and keep in safe custody, pending the orders of the Magistrate or of an Inspector, all things seized under this

Police to take charge of articles seized.

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Act which may be delivered to them; and shall allow any officer of the Salt Department who may accompany such things to the Police Station, or who may be deputed for the purpose by his superior officer, to affix his seal to such things or to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the Police Station.

Officers of Salt and other departments to assist each other.

**68.** All officers of the Salt, Police, Land Revenue, Abkári and Customs Departments and Village Officers of the Revenue and Police Departments, shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.

Officers of Police and other departments bound to report offences against Act.

**69.** All officers of the Police, Land Revenue, Abkári and Customs Departments shall be bound to give immediate information to an officer of the Salt Department, and every officer of the Salt Department shall be bound to give immediate information either to his immediate official superior or to an Inspector of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Zamindars and others bound to report manufacture of contraband salt.

**70.** All Zamindars, proprietors, tenants, under-tenants and cultivators, or other persons who own or hold land on which there shall be any manufacture of contraband salt, shall in the absence of reasonable excuse be bound to give notice of the same to a Magistrate or to an officer of the Salt, Police, Land Revenue, Abkári or Customs Departments, immediately the same shall come to their knowledge.

By whom confiscations may be adjudged, &c.

**71.** At the conclusion of any inquiry into or trial of an offence under this Act, the Court may order the confiscation of anything liable to confiscation under this Act in connection with such offence.

Whenever confiscation is so ordered, the Court may give the owner of such thing an option to pay, in lieu of confiscation, such sum of money as the Court may think fit.

In any other case when anything liable to confiscation under this Act has been seized, the Commissioner may, subject to such rules as the Governor in Council may prescribe, order the confiscation thereof.

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Disposal of things seized.

**72.** The Governor in Council may by rule provide in regard to things liable to be seized under this Act—

(*a*) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that, if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale:

(*b*) that when anything is seized and an order for its release is subsequently passed, and the owner does not, within a period to be fixed by such rule, appear to claim such thing and tender the duties, penalties, and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties, and charges be defrayed from the proceeds of the sale:

(*c*) that the surplus proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, if not claimed by the owner of the thing seized within a period to be fixed by such rule, be forfeited to Government.

Power to cancel and suspend licenses.

**73.** The Commissioner may cancel any license if the licensee shall have been convicted of any offence under this Act, or may suspend or cancel any license in case of breach of the conditions thereof.

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## CHAPTER VII.

### Penalties.

**74.** Any person who—

Penalties for removal of salt without or in excess of permits, &c.

(*a*) removes any salt without or in excess of the permits rendered necessary by this Act; or

(*b*) except for agricultural or building purposes, excavates, collects or possesses salt-earth in any local area where it is contraband salt; or

(*c*) manufactures contraband salt in any other way than by excavating or collecting salt-earth; or

(*d*) purchases, obtains, possesses, sells, or weighs contraband salt other than salt-earth knowing or having reason to believe it to be contraband; or

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(*e*) refines saltpetre without such license as is prescribed by Chapter IV of this Act; or

(*f*) attempts to commit or within the meaning of the Indian Penal Code abets the commission of any of the above acts,

shall on conviction be punishable for every such offence with imprisonment for a term not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

Penalty for act or omission in contravention of section 44, or of any rule under clauses (*c*), (*e*) and (*g*) of section 85, or of any permit.

**75.** Any person who is guilty of any act or intentional omission in contravention of section 44 of this Act or of any rule framed by the Governor in Council under clauses (*c*), (*e*) and (*g*) of section 85 or of any permit granted under this Act, shall on conviction be punishable with fine which may extend to two hundred rupees.

Penalty for vexatious seizure or arrest by officer of Salt or other department or by village head.

**76.** Any officer of the Salt, Police, Land Revenue, Abkári or Customs Departments, or any head of a village, who enters for the purposes of search any house, building, vessel or enclosed place, without reasonable cause to believe that contraband salt is manufactured, sold, or kept therein; or who vexatiously and unnecessarily seizes any article on the pretence of seizing or searching for contraband salt, or who vexatiously and unnecessarily detains, searches or arrests any person or stops or detains any vehicles or vessels in transit, or who in any other way vexatiously exceeds his lawful powers, shall on conviction be punishable with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for vexatious delay by officer of Salt or other department.

**77.** Any Salt or other officer exercising powers under this Act or any other person who vexatiously and unnecessarily delays forwarding to the Inspector or to the officer in charge of the nearest Police Station, as required by section 53 of this Act, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

Penalty for Salt officer refusing to do duty, or using violence to person in his custody.

**78.** Any Salt officer who without lawful excuse shall cease or refuse to perform or shall withdraw himself from the duties of his office, unless expressly allowed to do so in writing by the Commissioner or unless he shall have

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given to his superior officer two months' previous notice in writing of his intention to do so; or

who shall offer any unwarrantable violence to any person in his custody;

shall, on conviction, be punishable with fine which may extend to six months' pay, or with imprisonment which may extend to three months, or with both.

**79.** All contraband salt;

What things liable to confiscation.

all salt, saltpetre, saline substances or salt-earth in regard to which any offence relating to salt may be proved to have been committed;

all vessels, vehicles, materials, implements, utensils, animals, packages and coverings employed in the manufacture, purchase, sale, keeping, concealment or conveyance thereof, or in otherwise dealing therewith;

shall be liable to confiscation.

## CHAPTER VIII.

### General Provisions.

**80.** All Rules made and Notifications issued under this Act shall be made and issued by publication in the *Fort St. George Gazette*; provided that all such Rules and Notifications whereby any act or omission is made punishable shall be published in three successive issues of the *Fort St. George Gazette* and for at least two months in the Official Gazettes of the districts to which or to parts of or to places in which it may be determined that they shall apply. All such Rules and Notifications shall thereupon have the force of law and be read as part of this Act and may in like manner be varied, suspended or annulled.

Rules and Notifications how to be published.

**81.** All notifications and orders conferring powers, or imposing duties under this Act may refer to persons by name or by office or to classes of officials generally by their official titles.

Mode of conferring powers, &c.

**82.** Whenever under the provisions of this Act it may be necessary to serve any person with a summons or a notice, or to tender a license, such service or tender shall be made in accordance with the provisions of the Code of Criminal Procedure regarding the service of summons, so far as they may be applicable to the circumstances of the case.

Procedure as to service of summons, &c.

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Provided that a registered letter addressed to the usual residence of any person may be substituted for any other mode of serving a summons or notice upon that person.

And provided also that when a notice has to be served upon the general body of the licensees of a salt factory it shall be sufficient to affix the notice to a prominent part of the factory office and to keep it so affixed for not less than seventy-two hours.

Presumption as to possession.

**83.** All contraband salt found in any house, building or enclosed place, shall be presumed, until the contrary is proved, to be in the possession of the occupier of such house, building or place.

Recovery of sums due to Government.

**84.** All sums recoverable under this Act or in any way due to Government on account of the Salt Revenue may be deducted by the Commissioner from any money owing to the person from whom such sums may be recoverable or due which may be in the hands of the Commissioner or under his disposal or control or may be recovered by the Commissioner by attachment and sale of salt belonging to such person and remaining within the limits of a factory. If not so recovered, such sums may be recovered by Collectors of Districts on application from the Commissioner as if they were arrears of Land Revenue.

Power to make Rules.

**85.** The Governor in Council may from time to time make Rules consistent with this Act for regulating the following matters, namely—

(*a*) the grant of licenses and permits and the particulars and conditions to be contained therein;

(*b*) the registry and acceptance of transfers and relinquishments of licenses;

(*c*) the manufacture, storage, sale and removal of salt or saltpetre in and from salt factories;

(*d*) the time for the payment of duty and other charges and the assessment of such charges;

(*e*) the manufacture and refinement of saltpetre;

(*f*) the grant of batta to witnesses and of compensation for loss of time to persons released by an Inspector on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted;

(*g*) the routes by which salt shall be taken to a preventive station;

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(*h*) the disposal of things seized or confiscated; and

(*i*) generally the carrying out of the provisions herein contained.

Appeal against orders.

**86.** An appeal shall lie from all proceedings and orders of officers appointed under this Act to their respective immediate superiors.

Limitation of suit or prosecution for anything done or ordered to be done under the Act.

**87.** No action shall lie against the Secretary of State for India in Council or against any officer in respect of any order passed or act *bonâ fide* done or ordered to be done under this Act. No suit or prosecution shall be instituted for anything done or ordered to be done under this Act after the expiration of six months from the accrual of the cause of action or from the date of the act or order complained of.

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## SCHEDULE.

(*See section* 2.)

| Number and Year. | Subject. | Extent of Repeal. |
|---|---|---|
| Regulation I of 1805 .. | Revenue derivable from salt. | The whole so far as it has not already been repealed. |
| Regulation II of 1807 .. | Salt monopoly in Canara and Malabar. | The whole so far as it is now in force in any local area. |
| Act XVII of 1840 .. | Penalties for breaches of Salt Laws. | Do. do. |
| Act VII of 1852 .. | Do. do. .. | Do. do. |
| Madras Act VI of 1871. | Excise duty on Salt. | The whole so far as it has not already been repealed. |
| Madras Act II of 1878 .. | Earth-Salt .. | The whole so far as it is now in force in any local area. |
| Madras Act VI of 1878. | Salt Commissioner. | The whole. |
| Madras Act I of 1882 .. | Protection of the Salt Revenue. | Do. |
| Madras Act IV of 1882. | Amending the Madras Act I of 1882. | Do. |

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